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February 18, 2021

BY ECF

Magistrate Judge Sarah L. Cave
United States District Court
Southern District of New York
500 Pearl St. Room 702
New York, NY 10007-1312

Re: *Local 3621, et al., v. City of New York et al.*
Civil Action Number: 18 CV 4476

Dear Magistrate Judge Cave:

Pursuant to Rule 60(b)(6) of the Federal Rules of Civil Procedure, I respectfully write to request a modification of Your Honor's February 11, 2021 Order, which granted Defendants' motion for sanctions in part, to the extent that Plaintiffs were ordered to make Vincent Variale available for the one-hour deposition required by the December 9th Order no later than February 19, 2021. Despite multiple attempts, the parties have been unable to find a mutually available date for Mr. Variale's deposition.¹

Accordingly, so that Defendants have the opportunity to timely depose Mr. Variale, Defendants respectfully request a one week extension of the time for Plaintiffs to produce Mr. Variale for deposition, from February 19, 2021 to February 25, 2021. I have consulted with Plaintiff, who does not consent to this modification request.

I thank the Court for its consideration of this request.

¹ Owing to a mandatory furlough on February 12th, the federal holiday on the 15th, and scheduling conflicts on February 16th and 17th, defense counsel was unavailable to conduct Mr. Variale's deposition. Counsel for plaintiff and/or Mr. Variale are unavailable on February 18th and 19th.

Respectfully submitted,

ECF _____/s/
Donna A. Canfield
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cc: Yetta G. Kurland
(by ECF)

Defendants' Rule 60 Motion requesting a modification of the Court's February 11, 2021 Order is **DENIED**. (ECF No. 324). Defendants have not shown good cause for the requested extension of time to conduct the one-hour deposition of Mr. Variale.

Plaintiffs' cross-motion is **GRANTED IN PART** in that Defendants must provide more than one date for the Rule 30(b)(6) demographic data witness and must provide the outstanding data at least 72 hours in advance of that deposition, and is otherwise **DENIED**.

The Clerk of Court is directed to close ECF No. 324.

SO ORDERED 2/19/2019



SARAH L. CAVE
United States Magistrate Judge